



# Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

827  
P.O. Box ~~729~~  
Ph. 369-9702  
Fax 369-4521

CARLISLE EDUCATION CENTER  
872 WESTFORD ST.

## MINUTES MEETING SEPT. 12, 1994

**MINUTES PUBLIC HEARING: COMMON DRIVE AT MILNE PROPERTY**  
**MINUTES PUBLIC HEARING, CONTINUED: ZONING AMENDMENT**  
**MINUTES PUBLIC HEARING, CONTINUED: SUBDIVISION RULES &**  
**REGULATION AMENDMENT**  
**MINUTES PUBLIC HEARING, CONTINUED: SROSC BYLAW RULES & REGS**  
**MINUTES PUBLIC HEARING, CONTINUED: COMMON DRIVEWAY AT**  
**TALL PINES**

Chair Colman opened the meeting at 8:12. Present were members LaLiberte, Chaput, Hengeveld, Duscha and Yanofsky and reporter Holland. The minutes of Aug. 8 were unanimously approved on a motion by Duscha, seconded by LaLiberte. The minutes of Aug. 22 were unanimously approved as amended on a motion by Hengeveld seconded by Duscha. Bills were approved for payment as submitted.

**ANR Dorothy Milne, property at 845 Maple St.** The board had serious questions regarding the accessibility of three of the lots shown on this ANR in terms of access on paper versus access on land. One issue was whether any of the lots had access which is merely illusory. The landowner, Dorothy Milne of 845 Maple St., had requested an extension of the statutory time limit for processing ANR plans so that the board might visit the site and view the access. The board agreed that while access might be difficult and limited, it is not, in fact, at the time of this vote, illusory. In addition, although the access to lot #1, which is 40' wide and long, may be difficult for fire trucks to pass through because of several rather tight turns, it meets the frontage requirements throughout. Therefore the board voted to sign the ANR. Chaput, an abutter to an abutter, abstained.

**Public hearing: Milne and Meyfarth/Nash common driveway** Chair Colman opened the hearing at 8:30, and read the public notice as it had been published, mailed to abutters, and posted at town hall. Board member Chaput stated that she would step down as a board member, and speak, if it seemed appropriate, as an abutter. Present were applicant Milne, abutter William Wessill of Laurelwood Rd., and Mike Benfield of Fiske St. Joe March of Stamski and McNary, representing the applicant, described the plan as one involving 13.2 acres owned by Mrs. Milne, which is divided by the above ANR into lots 1,

2, 3 and 4, and which uses a common driveway on lots 1, 3, and 4 to provide access to those lots and to an additional lot outside of the plan, which is owned by Meyfarth and Nash of Macedonia, Ohio. The common drive easement does not include Meyfarth/Nash land, shown as lot 6, but will only provide access to it. Mrs. Milne's lot at 845 Maple, lot 2 on the plan, was divided off by the above ANR plan and will not be served by the common drive. All the lots created by the aforementioned ANR have frontage on Maple St; lots 1 and 3 are 4+ acre reduced frontage lots, and lot 4 is a 2+acre standard frontage lot. The Meyfarth/Nash lot, which abuts lot 1, has 40 feet of frontage on Maple St. and had been registered many years ago. All the lots served by the common drive have substantial wetland, stream, and flood hazard zone involvement, as they are carved from land which drains into a small intermittent stream which feeds into a larger stream flowing parallel to Maple St. The Meyfarth/Nash lot had received a permit from the ConsCom for a crossing of the larger stream; the implementation would have required a bridge and was so expensive that the permit was allowed to lapse. The common drive plan uses a perennial stream crossing which is designed to handle a 100 year storm event using a 4' by 12' box culvert, and a 10 foot wide unpaved drive with 2 feet of shoulder on each side. The minor crossing of the intermittent stream, which provides access to Meyfarth land, uses a 24" diameter culvert, and an unpaved 10' wide surface, with 2 feet of shoulder on each side as well. The driveway profile shows a 9.4% grade from the upland down to the crossing and a 4.4% grade from Maple St. down to the crossing. Mr. March stated that his client is willing to widen the drive if the board would prefer it, and to pave it as well, but that he designed it with wetland impact in mind. In fact, he said, this common drive design has far less impact on the wetlands than the two alternatives proposed, which were: a subdivision road crossing the major wetland to serve two lots and a separate access and major stream crossing to serve lot 6, the Meyfarth Nash lot, or individual major crossings for lots 1, 4, and 6. These options, he stated, could be achieved under Wetlands Protection Act regulations. He offered fill calculations to prove his point. The driveway is 718 feet long to where it enters lot one, and 363 feet from the point where it branches from the main drive and to where it enters lot 6. He further stated that an eighteen foot wide turnout is provided on the upland side of the wetland crossing, and that the branch drive intersection includes radii which meet the standards of the subdivision rules and regs, and can therefore be used as a turnaround. He had reviewed the comments of Landtech regarding the proposal, and had sent Lorrain a copy of the wetland application plan, which includes much of the information which now departed engineer Allen had deemed missing. He had spoken with Fire Chief Koning regarding drive width, and stated that he understood Koning's concern to be related to snow removal where drives are 10 feet wide and are in a cut situation, so that there eventually is nowhere for accumulating snow to go. This drive, he said, is a fill situation, so snow just gets pushed off the edge. Hengeveld asked the length of the turnout, which March stated is 25 feet long. Colman asked how fire trucks would handle the problem of backing up if needed; March responded they would back up as in any other common drive, and that the board had not been requiring cul-de-sacs in common drives. Hengeveld questioned the height of the crossing; March replied that with the 4 foot box culvert set 1 foot below grade, and with the gravel cover 1 1/2 feet deep, the final grade would be 4 1/2 feet above the stream bed. Duscha questioned the amount of fill. March replied that the board has ordinarily asked whether he could demonstrate

that the fill would be 5000 square feet or less or whether a road can be put in. He stated that they can do both. It would require 3,370 feet for option 1, the individual drives, or 2100 feet for the common drive. Colman asked for comments from the audience. Mike Benfield, ConsCom chair, spoke for the ConsCom. He said they had begun their hearing on the plan and had taken a vote which revealed that three of the commissioners present that night would prefer the 10 foot wide common drive; the fourth preferred a 12 foot width. He also suggested a lower road profile, even if that meant a wider fill base. March replied that the box culvert raises flow elevation 1"; a wider culvert would constrain the flow. Hengeveld asked the composition of the road. March stated it is crushed stone based, and could have starpack cover. Benfield mentioned ConsCom prefers gravel because it absorbs oil and other pollutants before they can get into the stream. March stated his client is willing to pave the drive and add a guard rail.

Abutter Bill Wessill of 127 Laurelwood Rd. stated that his property, upland of the site, receives much flow of surface water in the spring in a south easterly direction toward this site, and that his subdivider had designed his roads to allow the natural drainage to continue unimpeded and natural. He stated that another former subdivider had altered the grading such that water flows subsurface into his yard now. He requested that March design this plan such that his property will not be further affected; otherwise, he said, he had no objection to the plan. March stated that he has no intent of backing up or altering stream flow. At 9:00, Colman stated that the time allotted for the hearing had elapsed and the board had another hearing scheduled at 9:00; he asked the applicants and parties in interest to return on Sept. 26 at 8:30 and continued the hearing to that date.

**Nickles Lane: bond release request and road acceptance recommendation** George Senkler, developer, told the board that he wished to request resolution of a few remaining items on the Landtech inspection list so that the board could release his bond, and that he wished to request the board recommend Nickles Lane for acceptance as a public road at town meeting on Sept. 19, 1994. There are three remaining issues from the Landtech review, he stated. One regards some difficult to find bounds; these have been staked so they could be inspected, but one, as the board was aware, had been superseded by a utility box. The second concerns the guard rail at the end of the road which has been partially removed by the abutter, Mr. Kydd, who needs access to his land; Senkler stated that his agreement with Mr. Kydd requires him to provide access to Kydd's land. He is willing, however, if the board thinks it appropriate, to install a 22 foot wide metal gate in place of the guard rail; this gate would have reflectors and would be locked, with a key provided to Mr. Kydd. Issue three concerns a drainage swale which needs to be cleaned of plant material so the placement of riprap can be inspected; he will have a crew do this work this week. The P.A. pointed out that modifying the gate and the bound requires subdivision modification, and unless the board finds that the changes are very minor, a hearing will be required. Yanofsky moved, and Duscha seconded, that the gate and bound modifications are acceptable and so minor in nature that they do not require a subdivision hearing, that the subdivision be considered complete and the bond be released on the following conditions: 1. That the "as built" plan include notes to the effect that the guard rail is to be replaced with a reflectorized metal gate and that the board waives the placement of the bound at station 5+35L.

2. That a certificate of completion be submitted to the P.A. by Stamski and McNary.
3. That remaining bills be paid from the bond account.
4. That the swale be cleaned.

The board voted unanimously, 6 to 0, to approve the motion.

Next, Senkler stated that the board should support road acceptance because the design was accepted, and in fact chosen from alternatives, by the board when it allowed the amendment of the former plan, which showed a cul-de-sac, in 1990. At issue is the concern of several board members, raised during this winter and early spring when much snow had accumulated, that emergency vehicles, especially fire trucks, might have great difficulty turning in the road. A letter from Fire Chief Koning expressing his strong disapproval of the road design was distributed by the P.A. He had told the board chair and the P.A. that the turn around is too far back from the dead end to allow swift backing and turning. Richard Meyer of 104 Nickles Lane reiterated Senkler's statement of the evolution of the design modification; he also stated that he feels the turn around is a matter of convenience, not safety. Chaput commented that Senkler and Meyer were correct in saying the board chose the dead end and turn around design, and that there were two reasons: they thought the road would soon be made a through way, and they wanted to preserve a large boulder which would have had to be blasted out for a cul-de-sac. Meyer suggested that no precedence would be set by their recommendation. Ruth Toscano of Fiske St. asked the width and length of the road. Senkler stated it is 18 feet wide, just over 1000 feet long, and that the common drive entrance, designed in conjunction with the subdivision amendment plan, is designed to subdivision regulation standards for turn arounds. LaLiberte moved, and Chaput seconded, that the board recommend the road be accepted by town meeting as a public road. The board voted to approve, with Hengeveld, LaLiberte and Chaput voting yes, Colman and Duscha voting no, and Yanofsky abstaining.

**Continued Public Hearing: zoning bylaw amendment and subdivision regulation amendment regarding lots on town lines** The hearing was reopened at 9:30. The board reviewed the latest revision of the proposed bylaw change, which included three changes suggested by town counsel: One narrowed the scope of what appeared to be an attempt to govern what could be done on the non-Carlisle portion of the split lot by inserting the words "the Carlisle portion of" before "a lot lying only partly in the Town of Carlisle". Second, the draft inserted the words "from a way within" (and drops the word "to") after the word "access". Third, the draft adds a sentence allowing the use of the non-Carlisle portion of a split lot to satisfy area requirements in Carlisle. The board also reviewed suggestions for minor amendments which had been forwarded to the board by Alex Parra on behalf of the ConsCom. These revisions had the effect of making this addition to Section 3.1 use parallel language to the existing portions of the section by replacing the word "constructed" with the words "erected, altered", and reiterating the words "in whole or in part". In addition, Parra suggests changing the name of the section from "Application of Use Regulations" to "Application of Regulations", because the section now applies to dimensional issues such as lot area, in addition to use of structures. LaLiberte, the drafter of the proposed bylaw, felt all the changes were reasonable and helpful, and suggested the board accept them. He also felt that if the town were to accept this amendment to the

zoning bylaw, and in light of a previous letter from town counsel regarding the effect of our existing subdivision regulations, the board may not need to vote the subdivision regulation which has also been proposed, the wording of which was still troubling the board. He suggested that if the board felt a need to enact a regulation immediately, before town meeting which is a week away, that the zoning amendment might be adopted as a subdivision regulation. The P.A. raised her doubt regarding the appropriateness of using a zoning device in subdivision regulations and the board debated whether there is enough urgency involved to do both amendments. Duscha felt the need is not that pressing. The P.A. showed the board a notice of a public hearing in Acton for a subdivision of clustered homes on the Carlisle line; she did not yet know whether the proposal would provide access to Carlisle. She told the board that Acton and Concord, which also has some undeveloped land abutting Carlisle, both have regulations which require new subdivision roads crossing town lines to demonstrate access to a road (Acton) or a public road (Concord) in the abutting town. She also stated she was concerned regarding a possible preliminary plan on the Chelmsford line. Yanofsky asked what the rationale for the bylaw is. LaLiberte stated he drafted it with public safety issues in mind. He used as an example a lot in Carlisle which only has access to Carlisle roads from a round about distant set of roads in another town. How do school buses, ambulances, and fire trucks get there quickly and safely? Yanofsky commented that there are roads in Carlisle, and lots entirely in Carlisle, which fit that description fairly well. She also felt that towns have faced and resolved these issues for years; she wondered if Carlisle really needs a zoning bylaw to deal with it. Chaput reminded the board of the request from the selectmen earlier in the year to consider this type of bylaw, and mentioned that while such a bylaw may give more control, it also removes some flexibility and may engender some problems which we can't now foresee. Mike Benfield asked whether the town has liability if response time is too slow. Tom Wallerstein of River Road suggested that the round about access described above may not be well plowed, and we can't control that. Ralph Anderson, selectman, explained that the selectmen are concerned that although reciprocal fire, ambulance, and even plowing agreements exist between other towns, Carlisle's staffing is so small, fragmented and part-time that we cannot manage to make such agreements happen or work. He hates to see people buy homes expecting to have their roads accepted by the town and services given by the town, and then find they won't receive them. He used Hartwell Road as an example, noting Concord will not plow or maintain it, and so far, Carlisle won't vote to accept it.

LaLiberte moved, and Duscha seconded, that the planning board recommend the zoning amendment to Section 3.1, as redrafted to include the suggestions by town counsel and Parra, be accepted by town meeting. The board voted unanimously to approve the motion. The vote was: Chaput, yes; LaLiberte, yes; Hengeveld, yes; Yanofsky, yes; Duscha, yes; Colman, yes; Evans was not present.

LaLiberte moved, and Chaput seconded, that the board use Section 3.1, as voted above, as an addition to the Rules and Regulations Governing the Subdivision of Land. The board voted unanimously to approve the motion. The vote was: Chaput, yes; LaLiberte, yes; Hengeveld, yes; Yanofsky, yes; Duscha, yes; Colman, yes; Evans was not present. It was agreed LaLiberte would present the zoning amendment to town meeting.

**Continued public hearing: rules and regs for special permit under Senior Residential Open Space Community bylaw** Colman announced that yet another draft was being distributed for board and public comment. LaLiberte commented that this draft takes into account comments from the public submitted after the first night of the public hearing. Colman asked the P.A. whether there had been any response from other boards or Landtech yet; she answered in the negative. Colman announced that given the paucity of time left this evening to deal with this important issue, and given the lack of response from Landtech, ConsCom and Health, he would continue the hearing to Sept. 26 at 9:00 PM.

**Town Hall on Conant Land** Ralph Anderson, speaking as a citizen, presented the thinking of a group of citizens opposed to the town office/ land swap proposal. He gave the board further information, and recapped information he had presented before, regarding the group's proposal to use the Conant land for town hall; he asked the board to support the town meeting article supporting this proposal. His presentation included a rough layout plan of the proposed town hall, an illustrative sketch of how the area might look when built, including a nature walk, cost estimates, an evaluation of the cost estimates presently offered for the TOLS package, his concerns for the feasibility of the town's future use of the portion of Banta-Davis land it would retain under TOLS. Among other points, he emphasized that the Conant land is immediately available, that the town hall could be built in phases as needed, and that three previous studies supported the use of Conant. He estimated that a 300 foot drive would need to be built east of the fire station, and the fire department well could be used. Duscha asked where the access would be precisely. She asked whether that area is ledgy, has adequate sight distance, and if traffic impact and flow had been considered. Anderson felt if the fire department could exit there, then town hall users could, and the town hall would add a minor amount of traffic to the existing flow. Colman interrupted the discussion to open a public hearing scheduled for 10:50, and promised the discussion would resume when the hearing was over.

**Continued public hearing on common drive for Tall Pines (Swanson Place)** Colman reopened the hearing at 10:50; present were March of Stamski and McNary, applicant Costello, party in interest Ruth Toscano of Fiske St., George Foote of Judy Farm Road, and Wendy and Tom Wallerstein of River Road. Board members present and able to vote were Yanofsky, Chaput, Colman, LaLiberte, and Duscha; Hengeveld, who had recused herself, left the meeting. March, reminding the board that he had been asked to further discuss the issues raised by board consultant Lorrain, and to send Lorrain a copy of the wetland plan submitted to ConsCom, reported the agreements reached between them as to what changes were technically reasonable and feasible. Lorrain had reported to the board and to March by letter that revisions shown on a revised Plan of Land dated 8/23/94, and on a revised Grading and Drainage Plan dated 8/23/94 were satisfactory regarding his points 1-5, 7, 8, and 10. March stated that Lorrain's continued concern about scouring at the down stream side of the crossing, point 6, will be addressed by the DEP requirement for a site monitor. That condition and design cannot be changed without returning to the DEP, as it is part of the DEP agreement. The P.A. noted that Lorrain's concern about spacing of culverts, point 8, although agreed to, was not specified in March's letter. He responded that the amended plan does specify that they be placed 3 feet on center. Lorrain

agreed with March that his point 9, regarding the necessity of a minimum vertical curve, was perhaps over zealous. Last, Lorrain's concern that the Fire Chief review the turnaround was resolved when March met with Koning about it and the drive width. Koning stated that he would be satisfied with a turnaround expanded to 20 feet wide, and agreed that he could make do with the 10 foot drive and two foot (total) of shoulder at the wetland crossing because snow is his main concern, and in this fill design the snow can be plowed off the headwall. The board noted that Koning had sent them a letter stating his acceptance of, if not complete satisfaction with, the wetland crossing and turnaround. Wendy Wallerstein asked the length and width of the drive; March responded that it is 500 feet long and 16 feet wide except at the wetland crossing. Toscano stated that the 10 foot wetland crossing width is designed to satisfy wetland filling requirements, and that if the board required wider drives, this common drive would not be able to meet the requirements. She urged the board not to set a precedent of 10 foot wide common drives. Wallerstein asked what would happen if the board denies the special permit. March explained that either a subdivision road with 4 lots would be submitted as an amendment to the subdivision plan, or Costello would lose 2 lots on the common drive. Foote reminded the board that they had seen narrow common drives before. Duscha moved, and LaLiberte seconded, that the special permit be granted based on the findings that the plan meets the goals of the zoning bylaw and the requirements and standards of the common driveway rules and regulations, and that the permit be conditioned on the agreed revisions to the plan and the as built agreed to by Costello at the opening session of the hearing. She also moved that the record should show that the situation is a unique one and the board has no intention of establishing a precedent with this 10 foot wide drive, but is granting the permit because the plan was the result of a long and arduous process involving the town, the state, and private parties. The board voted four yes: Chaput, Duscha, Colman, and LaLiberte; one no: Yanofsky. As five positive votes are required, the permit was not granted. The hearing was closed at 10:15.

**Conant land discussion, continued** Chaput asked Anderson and those TOLS committee members present if there is any chance to preserve Malcolm if the town hall is built on Conant land. Anderson, Harte and Ballantine explained that there were possibilities, but no assurance. The church could sell to a developer who could also buy the Evans land and put a loop road through. Chaput asked whether the church would consider selling Malcolm separately; the answer was no. Hensleigh suggested the board support the concept of preserving rurality by not selling/swapping Banta Davis, and let the CSHO group buy Malcolm. Benfield reported he had been told by ConsCom member Spang that there is a certified vernal pool on the Conant land near the proposed site of town hall. Benfield will review that, and give the information to all parties. Toscano pointed out that the agreement regarding use of Banta-Davis limits development to "church use", but not just "church". As there was no more discussion, Duscha moved and LaLiberte seconded, that the planning board support the town hall/landswap proposal. Chaput, in speaking to her yes vote, explained that although she is an advocate of traditional town planning, which would support the Anderson proposal to bring the focus of town center around town hall, she recognizes that the townspeople are most supportive of conservation, and that the only way to protect Estabrook Woods is to control Malcolm.

Duscha commented that the conflicts obviously being felt by board members were very likely representative of those being felt by townspeople. LaLiberte replied that our role is to take a position. The board voted 4 to 1 to support; Chaput, LaLiberte, Duscha, and Hengeveld, who had recorded her vote earlier, voted yes, Yanofsky abstained, and Colman voted no.

Anderson asked the board to take a position on the Conant article in the event town meeting doesn't support the land swap. The board voted unanimously to support a motion by Chaput, seconded by Duscha, that the board support further study of Conant land for town hall purposes if the land swap article fails. LaLiberte, Chaput, Duscha, Colman and Yanofsky voted yes; Hengeveld had left, and Evans was not present. The meeting was adjourned at 11:57.

  
Sandy Bayne, Planner Assistant